

CAMPAIGN FINANCE DIVISION

☒ **WAIVER REQUEST**
☐ **RECONSIDERATION REQUEST**

DATE: 5/3/2021
DOCKET #:

FILER INFORMATION

Name: Bryan Simmons
Office: Chief of Police, City of Port Allen
Parish: WEST BATON ROUGE
Election Date: 11/3/2020
Level of Office: Any

REPORT INFORMATION

Name of Report: 30-P
Original Due Date: 10/5/2020
Date Filed: 10/7/2020
Activity Receipts: \$1,050.00
Expenditures: \$660.30
Funds at Close of Reporting Period: \$389.70

LATE FEE INFORMATION

Amount of Late Fee: \$80
Days Late: 2
Late Fee Order Received: 11/5/2020
Payment/Waiver Request Due Date: 11/25/2020
Waiver Request Received: 11/24/2020
Additional Information Requested:

- Medical
- Financial
- Other

COMMENTS: Candidate submitted the waiver request and states that he was a first time candidate with no intentions of running again. He said he is 68 years old and a retired police officer living on a fixed income. He said that on 9/8/2020 his wife suffered a near fatal stroke that affected his concentration and losing track of time.

OTHER LATE FEE INFORMATION

Campaign Finance:

Other Outstanding Reports: No
Other Outstanding Late Fees: No
Prior Late Fees: No
Reassessed Late Fees: No

Disclosure Statements:

Other Outstanding Late Fees: No
Prior Late Fees: No

November 24, 2020

HAND DELIVERED

LOUISIANA BOARD OF ETHICS

RE: LATE FEE ASSESSMENT FOR THE NOV. 3rd 2020, ELECTION.

To whom it may concern:

I am writing this letter requesting a waiver of the late fee assessment of \$80, for the following reasons:

- 1) I was a first time candidate, with no intentions of running again.
- 2) I am 68 years old, and a retired police officer now living on a fixed income.
- 3) On Sept. 8, 2020, my wife suffered a near fatal stroke (records available at OLOH, B.R.) that affected my own concentration, and losing track of time.

I do not contest that the report was submitted two days late. I am only requesting your consideration of the fact that I was a totally novice candidate who experienced unexpected issues.

Thank you for your consideration.

Respectfully,



BRYAN E. SIMMONS
639 S. 12TH ST.
PORT ALLEN, LA 70767



STATE OF LOUISIANA
DEPARTMENT OF STATE CIVIL SERVICE
LOUISIANA BOARD OF ETHICS

P. O. BOX 4368
BATON ROUGE, LA 70821
(225) 219-5600
FAX: (225) 381-7271
1-800-842-6630
www.ethics.la.gov

November 2, 2020

Mr. Bryan Simmons
639 S. 12th St.
Port Allen, LA 70767-2939

CERTIFIED MAIL

NO. 70200640000105664584

RETURN RECEIPT REQUESTED

RE: Late fee assessment for the November 3, 2020 Election
30-P Campaign Finance Disclosure Report filed 2 days late

Dear Mr. Simmons:

Enclosed is an assessment of a late fee pursuant to La R.S. 18:1505.4 and La. R.S. 18:1511.4.1. Please submit a check or money order in the amount of **\$80** payable to the Treasurer of the State of Louisiana to P. O. Box 4368, Baton Rouge, LA 70821. **Please note that late fees can only be paid by the candidate or by his campaign.**

You have 20 days from receipt of this letter to dispute this assessment. You may elect to do either or both of the following:

1. You may submit your request for a waiver to the attention of the Louisiana Board of Ethics.

Waivers are handled by the Ethics Board. The Board of Ethics may reduce, suspend, or decline to waive a late fee assessment based on the cause shown by the person, candidate, or political committee. If you submit a request for a waiver of the late fee to the Board of Ethics, your request should contain details as to why, in your opinion, you have good cause why your report was not timely filed. Also, if you would like to appear before the Board of Ethics in connection with your request, you should state that in your letter. The request should be submitted to the attention of the Board of Ethics at the following address: P. O. Box 4368, Baton Rouge, LA 70821 or fax at (225) 381-7271.

2. You may appeal **the assessment** directly to the Ethics Adjudicatory Board (EAB).

Appeals to the EAB are proceedings before a three judge panel. The determination is made regarding whether the person, candidate, or political committee was required to file the report and whether the report was filed late. **Mitigating factors are not considered during an EAB proceeding. The EAB does not have the authority to reduce, suspend, or waive a late fee assessment.** If you choose to appeal the assessment to the EAB, you should submit your request for an appeal to the attention of the Executive Secretary of the Louisiana Board of Ethics at P. O. Box 4368, Baton Rouge, LA 70821 or fax at (225) 381-7271.

If you timely submit a waiver request or appeal, your name will not be posted on the website pending the result of your appeal. Furthermore, if you request an appearance, you will be notified of the place and time prior to the meeting.

If you do not **pay** or **dispute** the assessment of the late fee within 20 days from the receipt of this letter, the matter will be forwarded to the Attorney General's Office to pursue collection. If the matter is forwarded to the Attorney General's Office for collection, you may be responsible for all additional costs incurred. Additionally, late fees not paid by the due date will be posted on the agency website.

You should be aware that unpaid campaign finance fines, fees or penalties may have an adverse effect on your ability to run for public office in the future, as the Board of Ethics will object to your future qualifications for candidacy for public office pursuant to La. R.S. 18:491 and R.S. 18:492.

Sincerely,

LOUISIANA BOARD OF ETHICS

Melissa Horn

STATE OF LOUISIANA LOUISIANA BOARD OF ETHICS
acting in its capacity as the
SUPERVISORY COMMITTEE ON CAMPAIGN FINANCE DISCLOSURE

In Re: Bryan Simmons
November 3, 2020 Election

LATE FEE ASSESSMENT ORDER

WHEREAS, Bryan Simmons, in his capacity as a candidate for Chief of Police, City of Port Allen in the November 3, 2020 election was required to file campaign finance reports pursuant to La. R.S. 18:1484.

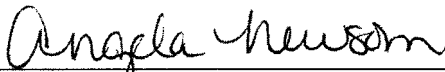
WHEREAS, La. R.S. 18:1505.1 provides that it is a violation of the Campaign Finance Disclosure Act to fail to timely file campaign finance reports.

WHEREAS, in accordance with La. R.S. 18:1495.4B(3), Bryan Simmons was required to file a 30th Day Prior to Primary Report (30-P) by October 5, 2020. Bryan Simmons filed the report on October 7, 2020 and was 2 days late.

WHEREAS, La. R.S. 18:1505.4A(2)(a)(iii) provides that an automatic late fee of \$40 per day (not to exceed \$1,000) be assessed against Bryan Simmons for this late filing.

ACCORDINGLY, IT IS ORDERED that a late fee of \$80 is assessed against Bryan Simmons for failure to timely file his campaign finance disclosure report.

ORDER signed on the 2nd day of November 2020 at Baton Rouge, Louisiana.



Angela Newsom, Director
Campaign Finance & Lobbying Division